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(1930-2016)

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December 4, 2017

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: ● Docket 2017-348-W
● Motion to Dismiss

Ms. Boyd:

Enclosed for filing in the above-referenced Docket, please find the Docket Cover Sheet, Motion to Dismiss and Certificate of Service.

Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/s/ _____
Richard L. Whitt

RLW/cas

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-348-W**

IN RE:)	
William A. Byrd, Sr.,)	
)	
Complainant/Petitioner,)	MOTION TO DISMISS
)	
v.)	
)	
The City of Columbia,)	
)	
Defendant/Respondent.)	

INTRODUCTION

On or about, November 13, 2017, William A. Byrd, Sr., (“Mr. Byrd”), commenced this matter by filing a Complaint with the Public Service Commission of South Carolina, (“Commission”). This Commission issued its standard Notice of Hearing and Prefile Testimony on November 22, 2017. The undersigned filed his Notice of Appearance on behalf of The City of Columbia, (“City”), with this Commission on November 30, 2017.

MOTION TO DISMISS

1. Mr. Byrd’s Complaint, as filed with this Commission, is vague, conclusory, legally insufficient, and fails to state a factual basis to demonstrate that the City has violated any Statute, Law, Regulation or any Order of this Commission.
2. Mr. Byrd’s Complaint further failed to comply with this Commission’s Regulation 103-824(A).
3. Mr. Byrd has further failed to state any reason his Complaint would fall within the jurisdiction of this Commission.
4. Mr. Byrd’s Complaint does contain, “Therefore, it [the City] is in violation of its municipal regulatory authority.” The City denies any such violation and the alleged violation does not fall within the jurisdiction of this Commission.

Prohibition of Section 58-5-30.

5. Pursuant to S.C. Code Ann., (1976, as amended), Section 58-5-30, Mr. Byrd's Complaint does not fall within the jurisdiction of this Commission.

Request to Hold Prefiling Dates and Hearing in Abeyance.

6. Based on the City's arguments herein, the undersigned respectfully requests that while this Commission is considering the City's Motion, this Commission toll the Hearing date and the Prefiling deadlines for the parties in this Docket.

General Denials.

7. To the extent that the City has not responded herein, to any allegation of Mr. Byrd's Complaint, the City expressly denies the same.

CONCLUSION

Based on the foregoing, and the authorities cited, this Commission should inquire in this matter and issue its Order dismissing Mr. Byrd's Complaint, with prejudice and for such other and further relief as this Commission may deem just and appropriate.

/s/ _____
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As Counsel for the City of Columbia.

December 4, 2017
Columbia, South Carolina

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THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-348-W**

IN RE:)
William A. Byrd, Sr.,)
)
Complainant/Petitioner,)
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v.)
The City of Columbia,)
)
Defendant/Respondent.)

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have served copies of the Cover Sheet, Motion to Dismiss and this Certificate of Service, as indicated below, via electronic mail on December 4, 2017.

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Teresa Wilson
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William A. Byrd
Email: amosbyrd@aol.com

/s/ _____
Carrie A. Schurg

December 4, 2017
Columbia, South Carolina